

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

ALFREDO LOPEZ, #334567

v.

DOUG DRETKE, DIRECTOR
TDCJ-CID

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CIVIL ACTION NO. G-05-432

ORDER

Before the Court is the Report and Recommendation of the Magistrate Judge entered on November 7, 2005. Petitioner has filed his Objections in a timely manner. The Magistrate Judge recommends that the instant habeas petition be dismissed because it is time barred and Petitioner has failed to exhaust his state court remedies. The Report is premised on Petitioner's claim in Ground One and the cover sheet that this case involves a parole revocation hearing. However, Petitioner claims it involves several time credit issues, not just a parole revocation hearing. Read with great liberality, the instant habeas petition can be construed to raise such claims.

Having given this matter *de novo* review under 28 U.S.C. § 636(b)(1)(C), this Court **DECLINES** to accept the Report and Recommendation. The instant case is hereby referred back to the Magistrate Judge for further proceedings.

DONE at Galveston, Texas this 9th day of December, 2005.


Samuel B. Kent
United States District Judge